

## REMARKS

### File History

In the final Office action of 8/21/2006, the following allowances, rejections, objections, requirements and other actions appear to have been made:

- **Claims 1, 6-11, 13-15, 22-26, 43-47** were allowed.
- **Claims 2-5, 12, 20-21, 58-60, 63-64, 66** were indicated to contain allowable subject matter.
- Claims 48, 62, 65, 68-76 were rejected under 35 USC §102(b) as being fully anticipated by Evans (US 3,822,802).
- Claims 48-57, 61-62, 65, 67-75 were rejected under 35 USC §102(b) as being fully anticipated by Zopf (US 5,607,277).
- Claims 48-57, 61-62, 65, 67-75 were rejected under 35 USC §102(b) as being fully anticipated by Christenson (US 5,938,394).
- Claims 2-5, 12, 20-21, 48-67 were rejected under 35 USC §112 for indefiniteness.

### Interview of October 5, 2006

Applicant thanks the Examiner for the courtesy of the telephone interview of 10/5/2006. The Examiner's Interview Summary of 10/12/2006 is generally correct in that tentative agreement was reached for most claims with the Examiner reserving judgment until the official amendment with remarks is received.

By way of reminder to the Examiner, here is a more detailed recap of the discussions on a claim-by-claim basis:

Claim 2: The proposed amendment as presented above was indicated to place the claim in condition for allowance. Applicant's representative indicated that "short dump" is a term of art which is described in the specification.

Claim 12: The outstanding 112 rejection was withdrawn in view of Fig. 4D.

Claim 20: The proposed amendment as presented above was indicated to place the claim in condition for allowance.

Claim 21: The proposed amendment as presented above was indicated to place the claim in condition for allowance by virtue of having moved the definition of the fork lift means higher up in the body of the claim as shown and thereby removed the antecedence problem.

Claim 48: This claim consumed a majority of the discussions. The Examiner indicated on a tentative basis that qualifying volume as "total containment volume" would overcome the outstanding grounds of rejections wherein multiple compartments are shown (i.e., the Zopf '277 reference at Fig. 2, the Christenson '394 reference at Fig. 9). With regard to Fig. 9 of Christenson '394, the "can deposit refuse" language of the preamble and paragraph (a) was discussed. The Examiner indicated on a tentative basis that this appears to avoid Christenson '394 but reserved final judgment until the finalized claim is presented. Additionally, the correction to curb-side "locations" rather than "distances" in claim 48 and others was discussed and received tentative approval. The proposed "interposed between" language of claim 48 was further discussed and the Examiner indicated on a tentative basis that this appears to avoid Evans '802 given that in Fig. 3 of Evans, the masses of the sweep arms 55 are not interposed between.

An additional factor discussed with regard to Claim 48 was the original Curotto Can design of Figs. 2C-2D (prior art) of the present application. It was agreed tentatively that language similar to the above, new paragraph (b) would appear to distinguish over any spatial reorientation of the original Curotto Can design.

Claim 49: The outstanding 112 rejection appears to be overcome by deleting the "side" from after the "towards-curb" language.

Claim 63: The outstanding 112 rejection was withdrawn subject to Applicant explaining in writing (here) that "wraps adjacent" implies a hugging of the L-shaped configuration to the outer bounds of the refuse containment volume.

### **Summary of Current Response**

Continued Examination (RCE) is requested pursuant to 37 CFR 1.114.

Claims 2, 20-21, 48-61, 63-70, 74-76 are amended.

Claim 62 is canceled.

### **Re Amended Claim 48 and support for "total refuse containment volume"**

Claim 48 was rejected as anticipated by Zopf (OA page 3) or by Christenson (OA page 4) under the argument that "refuse-containing volume" is amenable to being broadly seen as any volume including the volume defined between Zopf's partition wall 38 and frontmost wall 28 (OA page 3, paragraph 4).

Claim 48 is clarified to recite "the refuse container defining a total refuse containment volume into which the robotic arm mechanism can deposit refuse during collections". [*Emphasis added.*]

Support for reference to the total refuse containment volume (or interior space) of an intermediate container --as fillable by the robotic mechanism-- may be found (although not ipsa verbatim) at:

(A) Specification paragraph [0014] {Third sentence: "The curb-side cart dumper is hydraulically powered to facilitate the lifting of the waste baskets (or, curb-side carts, as they may be called) over the low profile height of the intermediate container and into the interior space of the intermediate container." } [*Emphasis added.*]

(B) Specification paragraph [0015] {Last sentence: "By situating the integrated curb-side cart dumper such that it intrudes into the width-wise limited interior space of the container, the design taught in U.S. Pat. No. 6,123,497 disadvantageously reduces the volume of waste that may be efficiently held inside the intermediate container." } [*Emphasis added.*].

(C) Specification paragraph [0017] {First sentence: "In one embodiment, the intermediate container is a so called, 4 yard bin having a height dimension of about 66 inches and a length of about 56 inches." } [*Emphasis added.*]

(D) Specification paragraph [0017] {Last 2 sentences: "The volume of the intermediate container is not substantially consumed in the width-wise direction by the front-mounted robotic arm mechanism because a bulk part of the robotic mechanism sits on the front side of the container (4-yard bin). When the full volume of the standard-sized intermediate container is filled, a frontal lift-and-dump-over-the-top may be carried out to make room for additional refuse."} [*Emphasis added.*]

(E) Specification page 69, original claim 20: {"where a waste-containment space is defined between the front and back waste-retaining surfaces .."} [*Emphasis added.*]

(F) Specification page 71, original claim 22: {"(b) a waste-grasping robot provided adjacent to the vessel and adapted to move waste external of the vessel into the waste-containment space ..."} [*Emphasis added.*]

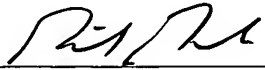
It is respectfully submitted that this constitutes written description support for the claim language now being presented regarding the total containment volume at the front of the waste collecting vehicle. Accordingly, no new matter is being introduced.@

### CONCLUSION

In light of the foregoing, Applicant respectfully submits that the present claims define over the art of record. Should any action other than allowance be contemplated by the Examiner, it is respectfully requested that he contact the undersigned at (408) 392-9250 to discuss the application and see if completion of prosecution can be expedited by telephone discussion.

The Commissioner is authorized to charge any underpayment or credit any overpayment to Deposit Account No. 50-2257 for any matter in connection with this response, including any fee for extension of time and/or fee for additional claims, which may be required.

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on November 20, 2006.



11-20-06

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Date of Signature

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